

Scraps and Facts.

— Knoxville, Tenn., dispatch of June 23: The Summer School of the South opened its second session here today under very auspicious circumstances. More than 1,200 students were enrolled and more than twice that number are expected before the end of the first week.

— It is estimated that the wheat crop of the state of Kansas amounts to 60,000,000, and the problem with the wheat growers of the state is how to save their harvest. There is a scarcity of labor. The flooding of East St. Louis put the big binding twine mills out of commission and, although the state of Kansas runs such an industry with prison labor, it cannot nearly supply the demand.

— The Southern railway, the Blue Ridge railroad, and the Anderson Light and Power company, it is reported, will send engineers to the Sapphire country to inspect the great Toxaway dam.

— A Negro named George White was burned at the stake on the outskirts of Wilmington, Del., on last Monday night for the crime of rape committed on a 17-year-old white girl, Helen S. Bishop. The crime had been committed about a week before and the Negro had been put in jail. There was constant muttering among the people, however, and these mutterings finally developed into an assault on the jail.

— Charlotte Observer, Wednesday: Mr. A. Gordon Jones, assistant to the general superintendent of the eastern district of the Southern railway, was a guest at the Central hotel last night. In reply to a question from an Observer reporter in regard to the progress of the work in the immense undertaking of double-tracking the entire system of the Southern, he said that a large force of hands, numbering into the thousands, is now at work on the Washington division of the road and that they are making good headway. This part of the road will be completed first, then the men will be brought down to this division and the work carried on here.

— Washington dispatch of June 24: New York city is to have the largest bank in the United States and in the world. It will be larger than the Bank of England or any of the famed financial institutions of the old world. This information is brought to Washington by an agent of one of the large financial concerns of the metropolis. Just how soon the big enterprise is to be launched is not decided, but overtures have been made to see if the government will raise objection to the capitalization and to the organization of the bank under the national banking laws.

— Raleigh, N. C., dispatch of June 23: Four Seaboard Air Line men were dead and one badly injured as a result of a head-on collision at Niagara, N. C., sixty-five miles from Raleigh, and within three miles of Southern Pines. Both engines were torn to pieces and five freight cars badly demolished. The dead are: Engineers S. T. Stewart and W. P. Wall and Firemen Walter Bond and Brewer. Stewart is a Canadian, while the other three are North Carolinians, all making their homes here. Stewart was taking an engine and tender to Hamlet, and was going south. He passed a north-bound freight at Vass and evidently forgot another freight behind that. At Niagara he shot his engine up a grade around a curve. At the same time the freight, in charge of Engineer Wall, came flying down the grade around the curve. One fireman on the freight jumped as the engines dashed into each other in a twenty-foot cut, grinding one another to pieces. The two engineers were killed at once. Bond, fireman on the freight, was killed by a beam of wood, driven upward through his left breast and out at the neck. Fireman Brewer's body is still wedged in the wreck.

The Yorkville Enquirer.



YORKVILLE, S. C. SATURDAY, JUNE 27, 1903.

IN listening to arguments for and against a change of venue for a defendant, we are somewhat inclined to look upon "unfair trial" as synonymous with conviction and "fair trial" as synonymous with acquittal. That is the way the attorneys on both sides seem to view the matter.

ONE of the most significant political fights of the summer has just come to a conclusion in the State Democratic convention of Iowa. It was between the Bryanites and the Re-organizers and the issue was the re-affirmation of the Chicago and Kansas City platforms. The re-organizers won by a vote of 461 to 363; but they have no great pride in their victory. Because of its closeness, they can hardly hope to get along without further friction.

COLONEL Wylie Jones gave an affidavit to the effect that the feeling in Columbia was strong against Col. J. H. Tillman, and then wrote a letter to the effect that the affidavit must not be construed as conveying the impression that, in Col. Jones's opinion, Col. Tillman would not be able to get a fair trial. One of Col. Tillman's attorneys suggested in his speech that social and business influence had been brought to bear on Col. Jones, and that was very unkind for it must be admitted that the circumstances show that Colonel Jones was really very impartial.

THE Change of Venue. Change of venue, in legal parlance, means the transfer of trial from one county to another, and the object of such a proceeding theoretically is to escape such overshadowing prejudice as would prevent a true verdict in accordance with law and facts. In view of the fact that under the theory and practice which obtain in this country, the people among whom an alleged crime is committed are supposed to be best able to deal complete justice, the removal of a trial to another community, is an expedient that should be adopted with the most absolute caution.

SUPPOSE a citizen of Yorkville should go down to Charleston and in the presence of a number of witnesses deliberately slip upon, stab and murder a citizen of the latter place. The circumstances of the crime would be so clear and so outrageous that the conviction of the murderer would be a foregone conclusion from the first, and it would seem that it ought to be so. The only hope that the murderer could have of escape would be a change of venue. If he would get his case back to York there would be a possibility of his being able to palm off a perjured story, and make it appear that the Charleston witnesses were prejudiced liars, and in this way he might be able to secure an acquittal, where he really ought to be convicted.

ALTHOUGH the law is an exact science, it is often lacking of exactness in its interpretation and execution, and while presumably every jury everywhere would return an identical verdict in the same state of facts, actually different juries would return opposite verdicts on the same state of facts. In murder cases, especially, it is a fact that exact justice is not always the end aimed at. It is too often the case that murder trials are mere matters of popular elections, the jurors expressing their judgment or conscience; but their individual preference.

MURDERERS are punished not only to prevent them from repeating their crime, but for the wholesome and deterrent effect on others, who might feel inclined to commit similar crimes, and when one escapes absolute justice because of the resultant insecurity to life and property. We do not think much of this idea of granting a change of venue, especially on motion of the defense. As a rule the defense wants justice only when justice means acquittal, and the virtual confession that he would be convicted in the community in which his crime was committed is to be taken as suggesting that even in his own opinion his case is bad.

CHANGE OF VENUE FOR TILLMAN.

COURT Decides That Slayer of Gonzales Cannot Get Fair Trial in Columbia. Argument on the motion for a change of venue in the case of James H. Tillman, indicted for the murder of N. G. Gonzales, was concluded at 5 o'clock last Wednesday afternoon, and Judge Townsend at once announced his decision that the change should be granted. Counsel disagreed concerning the county where the case should be sent, and after sleeping over the matter, Judge Townsend announced that he had chosen Lexington.

Wednesday's proceedings opened with the argument of Mr. Andrew Crawford for the prosecution, against the motion. He spoke for an hour and a half, and his presentation of the law was highly complimented. He was

followed by Mr. P. H. Nelson, for the defense, who also devoted himself largely to the law of the case. Mr. G. Duncan Bellinger, formerly attorney general, next addressed the court for the prosecution, first answering the arguments on the other side. Solicitor Thurmond closed for the prosecution in a clear-cut speech.

The session of the day followed, when ex-Judge O. W. Buchanan, the defendant's brother-in-law, addressed the court. It was not thought that Judge Buchanan would speak, especially as the defense had left only about fifty minutes of the time allotted that side, which, it was presumed would be occupied by Congressman George W. Croft, Tillman's law partner. But Judge Buchanan spoke for thirty minutes and delivered a bitter arraignment of the press, the commercial interests and the people of Columbia generally. He asserted that commercialism had supplanted the old southern standards, and that the press was now at liberty to abuse and vilify any man who spoke his honest convictions. He charged that the State had goaded the defendant to desperation by its abuse of him, and said the State had now cracked its whip and lashed the citizens of Columbia into signing affidavits for the prosecution under fear of the State's power. He charged that the capitalist interest and the press were allied, and that men had been intimidated into signing those affidavits, lest their position or their business be injured. "By grabs," exclaimed Judge Buchanan, "if they don't like this let them lump it!"

Judge Townsend interrupted the speaker to say that he was consuming the time of the defense and leaving none for Mr. Croft. Mr. Buchanan then took his seat and court adjourned for dinner, with fifteen minutes remaining of the allotted time. This was extended and Mr. Croft closed the argument, after dinner, in a strong speech of about twenty minutes.

At the close the court announced its decision to grant the motion and asked counsel for suggestions concerning the place to which the case should be transferred. Mr. Croft suggested Saluda, but to this Solicitor Thurmond objected on the ground that Saluda court house is fourteen miles from the railroad and accommodations are too meagre to entertain the two hundred witnesses who would have to be transported there.

Mr. Crawford also spoke in objection to Saluda, saying that the defendant's father, the late Congressman George D. Tillman, was the father of Saluda county and that until recent years Saluda was a part of Edgefield, the defendant's home.

Mr. Nelson spoke strongly in favor of sending the case to Saluda, alleging that the defendant was entitled to a speedy trial and this could not be had unless it was sent to either Saluda or Edgefield, as court for this term has been held in other counties of this circuit.

Mr. Bellinger replied to the remarks of Messrs. Croft and Nelson with much vigor, asserting that to transfer the case to Saluda would be unjust and unjust to the prosecution as well as inconvenient. He said that the defendant had waived his right to a speedy trial by asking for a continuance at the last term of court, when the prosecution was anxious to proceed. There were several lively tilts between Messrs. Nelson and Bellinger. Mr. Croft closed the argument, asserting that there were ample accommodations at Saluda and that it is a Tillman stronghold. Judge Townsend then instructed the attorneys to draw up an order for a change of venue and leave the county bank.

ROCK HILL HAPPENINGS.

Cadets Having Great Time—Mill Hand Makes Trouble—The Summer School—Yorkville Visitors.

ROCK HILL, June 25.—"We came, we saw, we conquered." The old Roman saying is peculiarly applicable to the presence of the cadets among us. They are in evidence everywhere—at entertainments, socials, balls—their acceptable appearance is enthusiastically welcomed. And deservingly so. A more gentlemanly appearing or a more gentlemanly behaved set of young men is rarely met with. They are an honor to the state and a credit to the school. That their visit is mutually enjoyable to themselves and to the citizens goes without saying. The weather, so far as has been perfectly charming, and while the duties of camp life have been rigorously enforced, yet sufficient opportunities for pleasure has been afforded them to make their visit a most enjoyable one. It has given our people pleasant occupations, as witness the throngs that wend their way campwards, every evening.

The monotony of camp life was diversified by a "trial march" to the works of the Catawba Power company last Tuesday. The genial manager, Mr. Harry Wylie, was on hand at every step and his assistance and readiness to state that this part in their programme was thoroughly enjoyed.

On Tuesday night the second complimentary ball was given in Rock Hill. The orchestra furnished the music. Friedhelm's hall was simply packed. That "tripping the light fantastic" is as popular as ever in Rock Hill was clearly demonstrated, as over ninety couples occupied the floor, and the spectators were there in such force as literally to cause a "jam." Yorkville was well represented by its young people, while the neighboring cities supplied their quota. Rock Hill's reputation for unstinted generosity is getting to be proverbial, but she has nobly lived up to it in the last few days.

The cadet's commencement will be again next Monday, with the baccalaureate sermon by the Rev. F. W. Gregg, '84, at the Presbyterian church. On Tuesday, General McCree, of Charleston, will deliver the address to the graduates at the Winthrop college auditorium. A large number of the alumnae is expected. Yorkville's generous request for a visit from the cadets, Colonel Coward was reluctantly compelled to decline on account of the pressure of duties. What looked at one time, as an ugly affair, was averted by the prompt measures of the Highland Park mill authorities. Several of the hands, it appears, asked for an increase of wages, and being refused, apparently quit work. Mr. J. K. Collins was told by Superintendent J. T. McNeel that they would be paid at the regular pay-day. Mr. Collins was requested to leave the premises, but persisting, he was arrested and tried before Mayor Hull for disorderly conduct, but was discharged on the ground of insufficient evidence. Later he was arrested on a warrant for trespassing at Magistrate Beckharts and it is believed that as July 4th this year falls on a Saturday, it was decided at a meeting of the city merchants, held at the Com-

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GOOD ROADS SUGGESTIONS. Sand Cheaper Than Macadam, and a Roof Better Than Either. Editor of the Yorkville Enquirer: I note from your paper that there is to be a convention in York county soon for the purpose of considering the road question and I would like to offer a suggestion or two. Then there is either I do not think a great deal of the idea of macadamizing roads. It takes 3,520 four-horse-loads of rock to macadamize a mile of road and it costs ten inches of sand to fill in the creek and branch bottoms where it does more harm than good. I think that by the erection of proper dams and the cost of hauling to and from the crusher, and this taken in connection with the crushing makes the whole thing too expensive. The best suggestion that has ever come to my attention for road improvement in a clay country is that of mixing the clay with sand. Where there is plenty of sand, there is plenty of clay; but it is usually in the creek and branch bottoms where it does more harm than good. I think that by the erection of proper dams and the cost of hauling to and from the crusher, and this taken in connection with the crushing makes the whole thing too expensive.

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PARISH VS. SMITH ET AL.

The Columbia State of Wednesday gives the following synopsis of the supreme court's decision in the York case of Parish vs. Smith et al., the issue involving an undertaking in claim and delivery and liability of sureties: This was an action against the sureties of R. J. Smith on an undertaking to deliver under the plaintiff's action against said Smith of claim and delivery. In the action first tried the jury found "for the plaintiff" and the verdict was entered for the property herein set out, and if said property should be found to be the plaintiff's, the same to be delivered to the plaintiff in the judgment. In this action (Judge Dantzler presiding) the jury found in full for the plaintiff and the verdict was entered for the property herein set out, and if said property should be found to be the plaintiff's, the same to be delivered to the plaintiff in the judgment. By the terms of the undertaking the defendants became liable not only for the return of the property, but also for the plaintiff if the delivery thereof should be adjudged, but likewise for the payment to him of such sum as might in that action for any cause be recovered against the plaintiff. Code of procedure, Secs. 232, 283. The sureties here were clearly liable to the full extent of the verdict pronounced under the plaintiff's action against R. J. Smith. Finley v. Cudd, 42 S. C. 127, 20 S. E. 32; Thomson v. Joplin, 12 S. C. 580; Smith v. Moore, 7 S. C. 262. The sureties here were clearly liable to the full extent of the verdict if it had been rendered simply for a certain sum of money. The facts of the taking of the property in the action in claim and delivery and the subsequent delivery thereof to the plaintiff having appeared in the plaintiff's action against the sureties, the trial judge properly granted the plaintiff's motion to strike out those paragraphs of the answer which set forth those facts. 42 S. C. 580, 20 S. E. 32; 7 S. C. 262, 2 S. E. 34.

THE ROAD QUESTION.

While in Yorkville last Saturday, says the editor of the Rock Hill Herald in Wednesday's issue, we had a brief conversation with Major Jas. F. Hart, one of the good roads committee. At our request he consented that some of the views expressed be published. "As to the improvement of roads," he said, "we have no adequate legislation to guide us. The legislature must be appealed to before we can make a start. It may authorize special tax levies, or may allow of the issue of county bonds, to be voted by the people for that purpose. But no improvement should be considered until the whole subject is taken up in a business-like way. A county engineer should be provided, and a survey of every important highway be first made, with profiles and estimates of the nature and cost of the improvement. The estimates should be submitted to the county board of commissioners, or to a special road commission for revision. The cost of each piece of work should thus be ascertained as well as its importance and necessity. It will require money to build roads, raised in some way and each dollar ought to be applied with the utmost economy after careful surveys and estimates of cost. It must not be expected, after a beginning is made, that the work can be accomplished in a hurry. It will take years of economical expenditure. It will not be wise to employ too much labor at any one time, and reduce the farm labor in any county. Work can best be done in August and September, when farm labor is largely unemployed. We must pull down all our old ways of inefficient and costly road making, and get on a business system, exact and efficient. A county engineer would employ in grading a section of its road. A little money wisely employed, is better than a great sum expended in a haphazard way. The views seem to us altogether sound and contain a suggestion as to what is best to be done in this county. Major Hart has given the subject of road improvement a very considerable attention and after conferring with leading men in all parts of the coun-

ABOUT PEOPLE.

Miss Rose Lindsay is visiting in Rock Hill. Mr. and Mrs. H. C. Strauss are at home from Arkansas. Mr. J. Leander Parish is quite sick at his home near Yorkville. Mr. R. A. Dobson attended the marriage of his sister on Wednesday. Mr. W. M. Allison, of Henrietta, N. C., is spending a few days in Yorkville. Mr. Mack Schorb is working as line-man for the Bedford Telephone company. Mr. Robt. Witherspoon of Guthrieville, spent Friday in Yorkville on business. Miss Massie Ashe of McConnelleville, is visiting the family of Mr. Brooks Inman. Miss Sarah Leard of Chester, spent Friday with the family of Mr. H. H. Beard. Mrs. W. G. Stephenson left Wednesday for a visit to her old home in Virginia. Mr. J. Harvey Witherspoon has been elected principal in the Camden Graded schools. Mrs. R. J. Mackorell and children have returned home from a week's visit in Lancaster. Miss Connie Baber, of Gastonia, visited relatives and friends in Yorkville this week. Miss Kate Ratchford has returned to her home near Yorkville, after a visit to Mr. J. W. Betts' family at Leslie. Miss Nan Meadows has returned to her home in Rock Hill after a few days' visit to Misses Alma and Strauss Walker. Mrs. J. Meek Smith and daughter of Clover, are visiting relatives and friends at Gaffney, and will remain there possibly a month. Captain Hazel, of the Carolina and North-Western Pullman service, spent

LOCAL LACONICS.

We Will Send the Enquirer. From now until January 1, 1904, for \$1.00. Fire at Blowing Rock. Lenoir special of June 25 to Charlotte Observer: The Rhododendron Inn, formerly the Brady House, at Blowing Rock, with its entire contents, including some boarders' clothing, was destroyed by fire about 10 o'clock last night. The fire was caused by the explosion of a lamp. The Inn was owned and managed by Mr. J. N. Stringle, of Chester, S. C., having been open this season since June 1st. The loss is about \$5,000 with \$2,500 insurance. The Blowing Rock Hotel, which is close by, was in danger. Dobson-Sawyer. Miss Cynthia Eula Dobson was married last Wednesday afternoon to Mr. Tully Augustus Sawyer. The marriage took place at the residence of the bride's parents, Mr. and Mrs. Wm. Dobson near Yorkville, in the presence of a small party of close friends and relatives of the young people. Rev.

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